

1 MEYERS - PEOPLE - DIRECT 2017

2 Q Did you begin to perform your

3 examination when you got it?

4 A Yes.

5 Q When you finished completing your

6 examination what did you do with the packaging

7 of the property?

8 A I resealed the evidence and I returned

9 it to the evidence desk.

10 Q Were those procedures followed?

11 A Yes.

12 MS. HEATHERLY: I ask the witness

13 be shown what has already been marked

14 as People's Exhibit 12-A in evidence.

15 I ask you if you recognize that

16 piece of property.

17 By the way, for the record, Miss

18 Meyers, you are putting plastic gloves

19 on.

20 Do you do that every time that you

21 examine evidence or touch evidence?

22 A Yes.

23 Q Do you recognize People's Exhibit 12-

24 A?

25 A Yes.

1 MEYERS - PEOPLE - DIRECT 2018

2 Q What is it?

3 A A pair a pants I analyzed in
4 connection with this case.

5 I has a lab number, voucher number and
6 my initials on it.

7 Q That's your writing that was shown to
8 the jury on the pants leg of People's 12-A?

9 A Yes.

10 Q Were those your initials?

11 A Yes.

12 Q Can you tell the jury what you did
13 with that piece of property?

14 A I need to refer to my notes.

15 THE COURT: You may refer to your
16 notes.

17 THE WITNESS: This was analyzed
18 for the presence of blood and the
19 presence of semen.

20 Q And did you perform a visual
21 examination first?

22 A Yes.

23 Q Can you tell the jury what are looking
24 for?

25 A For the presence of blood.

1 MEYERS - PEOPLE - DIRECT 2019

2 I would visually look at it for a
3 stain that would consistent with blood.

4 Once blood dries it turns a brownish
5 red color.

6 So in this case I was looking for a
7 brownish red stain.

8 For seminal fluid I was looking for a
9 whitish -- grayish-whitish colored stain on
10 the clothing.

11 Q By the way, did that property test
12 positive for seminal fluid or semen?

13 A No.

14 Q After you examined this piece of
15 property visually what did you notice?

16 A I noticed a stain that was consistent
17 with blood.

18 Q Where?

19 A It was in the inside of the pants in
20 the crotch area in the front.

21 Q Did you note a size?

22 A Yes.

23 Q How big was the stain?

24 A It was a one by one centimeter stain.

25 Q Did you note anything else about the

1 MEYERS - PEOPLE - DIRECT 2020

2 stain?

3 A Did I -- excuse me?

4 Q Note anything else about the stain?

5 A No.

6 Q Do you remember what color it was?

7 A Brownish red.

8 Q Did it appear to be dried when you saw

9 it?

10 A Yes.

11 Q What did you do after you noticed the

12 stain in the area of the crotch area of the

13 pants?

14 A I tested it for the presence of human

15 blood.

16 Q Can you pick up People's Exhibit 12-A

17 and show the jurors where you took --

18 withdrawn.

19 Where you saw that stain?

20 THE COURT: Hold that up.

21 A It says stain two.

22 Q Did you label that?

23 A Yes.

24 Q What did you label it as?

25 A S2, meaning stain two.

1 MEYERS - PEOPLE - DIRECT 2021

2 Q Is that your writing where the black

3 markers are?

4 A Yes.

5 Q Why did you do that?

6 A Just to keep a count of the different

7 stains and what they were tested for.

8 Q After you circled the area did you

9 remove a piece of it?

10 A Yes.

11 Q What did you do next?

12 A I tested that sample for the presence

13 human blood.

14 Q Can you tell the jurors what is a

15 presumptive test?

16 A A presumptive test is a screening test

17 for the presence of blood.

18 There are two of them.

19 One is leucomalachite green.

20 The other one is phenolphallium (ph.).

21 They are both performed in the same

22 manner.

23 You would cut out a piece of the

24 sample and you would add saline to that

25 sample.

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What you're doing is extracting the stain out of the material and you would take a piece of the extract and add phenolphate into a tube to that sample of the extract.

If on the addition of hydrogen peroxide that sample turns pink with phenolphallium it indicates that that sample may be blood.

Q Did you conduct that test for the stain A-1 in the crotch area of those pants?

A Yes.

Q What did you determine?

A With phenolphallium I viewed a color change to pink.

Then it indicates a positive change.

Q Did you conduct another test?

A Yes.

Leucomalachite green.

Q What did you do there?

A The same procedure, only in this case added Leucomalachite green.

You would with the Leucomalachite, you would expect a green color change.

In this case it was a green color

1 MEYERS - PEOPLE - DIRECT 2023

2 change that indicated that that sample may be
3 blood.

4 Q After you performed those two tests,
5 did you perform another test?

6 A Yes.

7 Q Why?

8 A The two presumptive tests are
9 preliminary tests for presence of blood.

10 We needed to do a confirmatory test
11 which in this case is a species precipitant
12 test, which confirms the presence of human
13 blood.

14 Q Can you tell the jury what you mean by
15 a confirmatory test?

16 A Like I said the first two tests tell
17 you that the sample may be blood.

18 You just have to add an additional
19 test to tell you: Yes, that is, in this case,
20 human blood.

21 Q Can you tell the jurors how you
22 performed that final test?

23 A With the species reagent added to a
24 tube, a small tube, then I would add that same
25 extraction on top of it, and between two

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samples.

If you get a white band in between the two samples, that indicates that that sample is human blood.

With the addition of the two presumptive tests.

Q How reliable is a confirmatory test that your lab uses?

A It's very reliable.

Q With the additional two presumptive tests, were you able to conclude to a reason degree of scientific certainty whether or not the substance in those pants was blood?

A Yes.

Q What did you conclude?

A That that substance was human blood.

Q Did you get any test results which indicates that this substance was not blood?

A No.

Q Can you tell the jurors what is a false positive?

A A false positive sometimes with certain materials, such as a certain vegetable matter are rough.

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2025

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2 They might give you a positive
3 reaction with one or the other of the
4 preliminary tests, the phenolphallium or the
5 Leucomalachite green.

6 That's why we do both of them, instead
7 of just one.

8 Q Are there any substances that you are
9 aware of that would cause a false positive
10 result in all three of the examples that you
11 did?

12 A A false positive for human blood?

13 Q Yes.

14 For all three of those tests.

15 A No.

16 Q Is there another confirmatory test
17 that the New York City Police Department
18 laboratory uses in addition to the ones that
19 you just described?

20 A Confirmatory tests for blood, yes.

21 Q What is that called?

22 A It is a crystalline test.

23 Q Did you perform that test?

24 A No.

25 Q Why not?

1 MEYERS - PEOPLE - DIRECT 2026
2 A We only have the crystalline test when
3 we are able to get a species test.

4 Q Why is that?

5 A Because in this case we do then put
6 out a report that the sample is positive for
7 blood.

8 Instead of putting that it's positive
9 for human blood.

10 Q Did you ever in your experience in the
11 thousands of tests that you have done ever get
12 three positive tests for blood and the
13 substance turns out not be blood?

14 A No.

15 Q What is the possibility that all three
16 of these tests would erroneously test positive
17 for blood?

18 A For human blood?

19 Q Yes.

20 A It's not very possible.

21 Q After you -- withdrawn.

22 Did you also perform similar tests on
23 the other vouchered evidence that you received
24 from Detective Bonilla or that the lab
25 received from Detective Bonilla?

1 MEYERS - PEOPLE - DIRECT 2027

2 A Yes.

3 Q Did any of those items test positive
4 for semen?

5 A No.

6 Q Did any of the other items test
7 positive for blood?

8 A No.

9 Q After you conducted your examination
10 of these materials, did there come a time when
11 the evidence was picked up by somebody from
12 the Police Department laboratory?

13 A Yes.

14 Q And are you aware of who that person
15 was?

16 A No.

17 Q Miss Meyers, to a reasonable degree of
18 scientific certainty did you determine what
19 the stain in the crotch area of [REDACTED]
20 pants was?

21 A Yes.

22 Q What is it?

23 A It's human blood.

24 MS. HEATHERLY: I have no further
25 questions.

1 DECOSSE - PEOPLE - RE-REDIRECT - HEATHERLY 2264

2 MS. HEATHERLY: Thank you.

3 THE COURT: Doctor, thank you very
4 much.

5 (Whereupon the witness was
6 excused.)

7 THE COURT: Next witness.

8 MR. HORN: Miss Vita DeLeon.

9 COURT OFFICER: Remain standing,
10 let hand on the Bible and raise your
11 right hand and face the Clerk to be
12 sworn.

13 V I T A D E L E O N,

14 called as a witness by the People of the
15 State of New York, having been first duly
16 sworn, was examined, and testified, under
17 oath, as follows:

18 COURT OFFICER: In a loud clear
19 voice, please state your full name,
20 spelling your last name, the County in
21 which you reside.

22 THE WITNESS: My first name is
23 Vita, V-I-T-A, last name DeLeon, D-E-
24 L-E-O-N.

25 I reside in Bergen County.

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DIRECT EXAMINATION

BY MR. HORN:

Q Good afternoon, Miss DeLeon.

A Good afternoon.

Q Where are you originally from?

A From New York.

Q How old are you?

A I'm 26.

Q And what do you currently do?

A I'm a student, but I also do a little
bit of acting and modeling.

Q What are you studying?

A Marketing and communications.

Q In what year will you earn your
degree?

A Year-and-a-half.

Q Miss DeLeon, are you familiar with the
building of 680 Fort Washington Avenue?

A Yes, I am.

Q And how are you familiar with that
building?

A I used to live in that building.

Q How long did you live there?

A For three-and-a-half, four years.

1 DELEON - PEOPLE - DIRECT 2266

2 Q And what type of building is it?

3 A It's a regular apartment building.
4 People rent and there is families inside.

5 Q And what kind of families, what kind
6 of people live there generally?

7 A Well, generally there is a lot of old
8 people live there.

9 Q Does anyone in your family still live
10 there?

11 A My family, my father, mother and
12 brother.

13 Q What apartment is that?

14 A 4-D.

15 Q Could you describe the apartment?

16 A It's a three bedroom apartment and
17 it's got two bathrooms, rather large.

18 Q Now, again, about what years did you
19 live there, from when to when?

20 A I lived there for three-and-a-half, I
21 guess '91 to about, until the present -- well,
22 maybe 92 until present.

23 I don't know exactly.

24 THE COURT: I'm sorry?

25 THE WITNESS: To present.

1 DELEON - PEOPLE - DIRECT 2267

2 THE COURT: To present.

3 Q You still live there?

4 A No, I don't. But, my family does.

5 Q When did you move out?

6 A I moved out about a year-and-a-half
7 ago.

8 Q Why did you move out?

9 A Because I was getting married.

10 Q Miss DeLeon, I am going to direct your
11 attention to the week of November 22nd to 23rd
12 of 1996.

13 Do you know where you were that
14 weekend?

15 A Yes, I was home.

16 Q When you say home, do you mean that
17 building?

18 A Yes, I do.

19 860 Fort Washington Avenue.

20 Q And what were your plans that weekend?

21 A To finish up a report. Actually start
22 a report and finish it that was due the past
23 the Thursday.

24 Q You when you say past Thursday, do you
25 mean the 21st?

1 DELEON - PEOPLE - DIRECT 2268

2 A Yes.

3 Q Did you hand it in on the 21st?

4 A No, I did not.

5 Q What class was that paper for?

6 A Journalism.

7 Q And do you remember the subject?

8 A I believe it was Peter Arnett Live
9 Battlefield. It was also a book review.

10 Q Why didn't you get it in on time?

11 A I was working all day and unable to
12 make the class that evening.

13 Q Did you get an extension?

14 A No, I did not.

15 Q When were you planning on handing it
16 in?

17 A I was going to hand it in on Monday.
18 For every weekend late you got ten points, you
19 drop a letter grade.

20 Q Now, does your family have a computer?

21 A Yes.

22 Q Where in the apartment was that
23 computer?

24 A The computer is in my parent's
25 bedroom, which is all the way towards the end

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DELEON - PEOPLE - DIRECT

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of the apartment.

3

Q And were you going to write that paper
4 on that computer?

5

A Yes.

6

Q Do you remember what day you started
7 writing the paper?

8

A I can't remember exactly which day I
9 started writing my paper.

10

Q Could you tell us when it could have
11 been?

12

Could it have been a Friday or
13 Saturday or Sunday?

14

A Yes.

15

It could have been Friday or Saturday.

16

Q And do you remember what time of day
17 you started writing that?

18

A I believe I started in the morning
19 because I was anxious about getting it done.

20

But, it hadn't been due already and I
21 was just sitting there in comfortable clothes
22 and started writing my paper.

23

Q Give us an approximation of how long
24 it would take you to do a paper like that.

25

A It would take a while because, first

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of all, I haven't finished reading the book.

Second of all, I'm not a fast writer. I really don't write anything else. I was just starting.

Q About how many pages was the paper to be?

A Like from four to six pages.

Q Did you write as you typed? Or do you write it out first and then you type it?

A Sometimes I write it out. Sometimes I write it and then I type it.

It is a very slow process.

Q Now, Miss DeLeon, did there come a time while you were writing your paper when you heard a noise?

A Yes.

Q Now, what did the noise sound like?

A To me it sounded like a muffled scream or moan.

Q Did it sound like a person?

A Yes, it did.

Q About how long did the sound last?

A A few seconds, enough for me to get up and walk to the window, look outside, see if

1 DELEON - PEOPLE - DIRECT 2271

2 there was anything going on.

3 Q Where were you, if recall, when you
4 first heard the sound?

5 A I was sitting at the computer.

6 Q Again, tell us where the computer is.

7 A The computer is in my parent's
8 bedroom. The computer is right here.

9 There was a window right next to the -
10 - but a few feet away.

11 MR. HORN: For the record, the
12 witness is indicating the front of an
13 area then to her right.

14 THE WITNESS: Yes.

15 Q About how far away would you say that
16 window is from where you were writing at?

17 A Maybe two or three feet from, you
18 know, from the --

19 Q Did you expect to hear it as you
20 approached the window?

21 A Yes.

22 Q Is that sound what you made you go up
23 to the window?

24 A Yes.

25 Q At some point did the sound stop?

1 DELEON - PEOPLE - DIRECT 2272

2 A Yes.

3 Q Did you call the police at that time?

4 A No, I did not.

5 Q Were you concerned after hearing that
6 sound?

7 A I was concerned, but I wasn't, you
8 know -- yeah, I was concerned.

9 Q Then why did you not call the police?

10 A I really didn't want to get involved,
11 I guess I should say.

12 Q Have you ever called the police before
13 after hearing sounds?

14 A Yes, I have.

15 Q And just very briefly, what has
16 happened in the past?

17 A A man in the adjacent building was
18 known -- well, whatever, hitting his children.

19 Before I could see it through the
20 window. I could see through my kitchen
21 window, and what would happen is I got up to
22 looks to see what I had been hearing and there
23 was no -- nobody in that window, and you know,
24 I maybe went up, checked.

25 Nothing was going on.

1 DELEON - PEOPLE - DIRECT 2273

2 Q So, were the sounds that you heard on
3 that day, that was the same sounds that you
4 heard in the past?

5 A It made me think that yes. But, when
6 I went to check it made me realize that wasn't
7 the case.

8 Q What did you do after hearing this
9 sound?

10 A I went to the kitchen, like I said,
11 and I checked out the window. Didn't see
12 anything probably. I don't know. Probably
13 got something to eat. I don't know. Maybe I
14 talked on the telephone, so as the day
15 progressed --

16 Q Do you recall about what time you
17 heard the sounds?

18 A No, I don't.

19 Q And after that you went back to
20 writing the paper?

21 A Yes.

22 Q Was there a time when you went down to
23 do laundry?

24 A Yes.

25 Q When you were starting the laundry,

DELEON - PEOPLE - DIRECT

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2 were you writing the paper?

3 A I needed a break. Anything in terms
4 of what I had to do in terms of school work.
5 I also had gone downstairs with laundry.

6 Q About how many loads of laundry would
7 you say that you did, if you recall?

8 A About four loads.

9 Q Now, again, what floor are you on now?

10 A I'm on the fourth floor.

11 Q Can you tell us where the, where in
12 the building the laundry room is?

13 A The laundry room is in the basement
14 all the way to the back, I would say to your -
15 - when you get down to the basement it would
16 be your left hand side.

17 Q How did you get down to the laundry
18 room from your apartment?

19 A You take the elevator and if the
20 elevator is not working you go take the stairs
21 to the main floor, come out and go around to
22 the basement.

23 There is a place where you can open
24 the door and come out and go into the laundry
25 room.

1 DELEON - PEOPLE - DIRECT

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2 Q Did you ever take the stairs down
3 instead of taking the elevator.

4 A Yes.

5 Q Did it ever occur that the elevator
6 did get broken like you just said?

7 A Yes. The elevator was broken and the
8 building elevators are very old and broken all
9 of the time, stuff on the floor. So, it's
10 just easier for me to take the stairs and try
11 to catch it on the main floor.

12 Q How long does it take to do your first
13 load of laundry from your apartment?

14 A I throw them in and all together at
15 the same time, which I did, which takes about
16 20 minutes to half an hour for the cycle to
17 finish.

18 Q And at some point did you go down to
19 switch it to the dryer?

20 A Yes, I did.

21 Q When you went down to switch it to the
22 dryer, do you know if you took the elevator up
23 stairs?

24 A I took the stairs.

25 Q And when you are on your way down to

1 DELEON - PEOPLE - DIRECT 2276

2 the laundry room on the stairs at some point

3 did you hear a sound?

4 A Yes.

5 Q Would you tell us where you were when

6 you heard the sound?

7 A The second floor. On my way down to

8 the second floor.

9 Q Where on the second floor were you?

10 A I was in front of the staircase, well,

11 coming down and I was near apartment 2-F.

12 Q What kind of sound was that?

13 A It was a similar sound to the muffled

14 scream, moan, that I had heard from upstairs.

15 Q And it was a similar one to the first

16 one that you had heard?

17 A Yes.

18 Q Now, can you describe it any further

19 than a muffled scream?

20 A The only way I can describe it was if

21 anyone here has ever had a root canal, it

22 sounds similar to that.

23 Q How far away were you -- withdrawn.

24 What apartment did it seem to you like

25 that sound was coming from?

1 DELEON - PEOPLE - DIRECT

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2 A It seemed to me that it was coming
3 from 2-F.

4 Q About how far away were you from
5 apartment 2-F when you heard this sound?

6 A About four feet.

7 Q Is that close to the steps?

8 A Yes.

9 Q Now, ma'am, is apartment 2-G --
10 withdrawn.

11 When you heard this sound did you keep
12 going downstairs?

13 A I stopped for a second and just made
14 me stop and I just, I continued going down
15 because, you know, I'm not a busy body, you
16 know.

17 It's not really my business.

18 Q Did you continue to finish your
19 laundry?

20 A Yes, I did.

21 Q Did you finish the paper that night?

22 A Yes, I did.

23 Q Again, do you know what time it was
24 that you heard that sound?

25 A No, I do not.

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Q At some point did you father come home?

A Yes, he did.

Q Did you speak to him regarding that sound?

A Yes, I did.

He asked me how my day had been, and I had just mentioned -- I mentioned it was a weird day, this is what I heard, and he then remembered that I had said --

Q When you say a weird day, were you referring just now to weird day because you heard this sound?

That's what made it weird?

A Yes.

Q Did there come a time after that weekend when you heard that man Oliver Jovanovic was arrested?

A Yes, but it was a long time after that.

Q Who told you that he was arrested?

A My mother.

Q Now, at some point did anything occur to you when your mother told you that?

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A Well, I mean, I thought it was quite shocking to me.

But, it occurred to me that that might have been the day that I was doing my paper and had heard those sounds.

Q Did you tell the police at that point?

A No, I did not.

Q Why not?

A Well, I mean, no one had come to me and I really, at this point, I didn't want to get involved.

Q Now, did there come a time when detectives came to speak to you?

A There came a time when detectives came to speak to my step father.

I was not home when they came to speak to anybody in the home.

Q What happened after speaking to your step father?

A My step father remembered what I had told him, and had said that they had come by and that they wished to speak to me.

Q And at some point did you speak to them?

1 DELEON - PEOPLE - DIRECT

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2 A Yes, I did.

3 Q Did you tell them what you had heard?

4 A Yes, I did.

5 Q Now, ma'am, when you were going down
6 the stairs outside of apartment 2-F was there
7 anybody else there at that time?

8 A No, there was not.

9 MR. HORN: Your Honor, at this
10 time I ask that the witness be shown
11 what has been pre-marked People's
12 Exhibit 39.

13 (Diagram deemed marked People's
14 Exhibit 39 for identification.)

15 Q Miss DeLeon, you are being handed what
16 I pre-marked as People's Exhibit 39.

17 Do you know what that is?

18 A Yes.

19 Q Can you tell us what that is?

20 A This is 680 Fort Washington layout of
21 the building.

22 Q How do you know that's what it is?

23 A I seen before.

24 Q Is that fair and accurate
25 representation of the way that building is

1 DELEON - PEOPLE - DIRECT 2281

2 laid out?

3 A Yes.

4 MR. HORN: I ask that it be
5 admitted into evidence as People's
6 Exhibit 39.

7 MR. SOSINSKY: No objection.

8 THE COURT: Admitted.

9 (People's Exhibit 39 received into
10 evidence.)

11 MR. HORN: Your Honor, I ask that
12 be put on the easel and with the
13 Court's permission that Miss DeLeon
14 can approach it.

15 THE COURT: Miss DeLeon, step down
16 and refer to the exhibit.

17 Q Miss DeLeon, using People's Exhibit
18 39, first of all, could you show us where your
19 apartment is?

20 MR. HORN: For the record, she's
21 pointing to the bottom right hand
22 corner of the diagram.

23 Q Can you take that marker and show us
24 where you were when you began to write your
25 paper, where the computer in that apartment

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was?

Would you put a V-1 there, now, and could you show us where the window is where you heard this sound?

A Over there, right here.

Q You have to keep your voice up, okay?

A I'm sorry. The window is right here.

Q Could you put a V-2 there?

A On the side here?

Q That's fine.

(Witness writing.)

Q About how far, using that diagram, who us where you walked from the computer to the window that you heard the sound?

A The computer, it's here. I just walked right there.

Q Could you show us where the kitchen is in the apartment where you went to look?

A Sure.

The kitchen is here.

Q There's a window there where you --

A Yes.

This is the window right here.

Q Thank you.

1 DELEON - PEOPLE - DIRECT 2283

2 Now, again, using this diagram could
3 you show us where the steps are?

4 A Sure.

5 The steps are -- hold on a second.

6 The stairs are here. Here are the
7 stairs.

8 Q Could you put an S there for the
9 stairs?

10 A Fine.

11 Q Show us where the F line apartment
12 would be.

13 A It would be right here. This is the
14 landing, right there.

15 Q Now, using your finger, could you show
16 us where you had walked down going downstairs
17 as you went that day?

18 A I was walking down, walking down the
19 landing really like I would go like this, come
20 down and this is where the landing would be.

21 This is the hallway. That's how it
22 is.

23 Q Now, could you show us where you were
24 when you heard the sounds as you were passing
25 2-F?

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A I was right here, right at the landing.

Q Could you put a V for there, please?

A Right.

Q And now could you show us where apartment 2-F would be on that diagram?

A Right here.

Q Could you show us the size in front of where apartment 2-F would be?

(Witness writing.)

Q Now, could you use that, could you tell us about how far away you were and where you were and put a V for -- five.

A About four feet.

Q That's where you heard this sound?

A Yes.

Q Can you show us where you stopped, where you heard the sound?

A Right about there.

To go -- not the next staircase, right here.

Q About how long would you say you stopped there?

A A couple of seconds. I mean, you

DELEON - PEOPLE - DIRECT

2285

1
2 know, something is going to come out or
3 whatever.

4 I don't want to be involved.

5 Q Miss DeLeon, do you know where
6 apartment 2-G is?

7 A Yes. It's right over here.

8 Q Thank you.

9 Do you know who lives in 2-G?

10 A An old lady by the name of either -- I
11 think it's Hanah.

12 Q Just based on your own personal
13 experience with here, do you know if this
14 woman has a hearing problem?

15 A Yes, I think she is mostly deaf.

16 Q How do you know that?

17 A Because she has this special bell that
18 you ring in order to get to her apartment.

19 Every time I see here in the hallway I
20 have to shout, practically shout.

21 Q Can you show us generally where the
22 laundry room would be?

23 A Well, you go to the basement, you go
24 all the way back and it would be sort of in
25 this area.

DELEON - PEOPLE - DIRECT

2286

1
2 It's all the way in the back of the
3 building.

4 Q Thank you. You can have your seat
5 again, please.

6 Miss DeLeon, do you know Oliver
7 Jovanovic?

8 A No.

9 Q Had you ever seen him before?

10 A I may have seen him passing.

11 I don't even remember seeing him in
12 passing.

13 Q Miss DeLeon, can I direct your
14 attention to the first week in December of
15 1996.

16 Did there come a time when you saw
17 anyone removing items from apartment 2-F?

18 A Yes.

19 Q Can you tell us what you saw?

20 A I saw two men removing what I believed
21 to be small couch or something to that affect
22 from the apartment.

23 Q How was it that you came to be there
24 when you were moving furniture?

25 A I was probably coming home from

1 DELEON - PEOPLE - DIRECT 2287
2 school. It was at night. I was coming from
3 school or work and it made me like think: Oh,
4 they are taking something out of there.

5 Q What made you think that?

6 A Well, after everything came out about
7 the case, just popped into my head and stuck
8 there.

9 MR. HORN: Just a minute, Judge.

10 Q Miss DeLeon, could you describe what
11 the men looked like, if you recall, who had
12 taken the furniture out?

13 A One I remember was older, like salt
14 and pepper gray hair.

15 Another guy was a younger looking than
16 this guy was.

17 Q Miss DeLeon, the windows in your
18 apartment, do you remember if they were open
19 or closed?

20 A Yes.

21 Q How do you remember that they were
22 open?

23 A My step father always keeps the
24 windows open because the heaters, you can't
25 control them.

1 DELEON - PEOPLE - DIRECT 2288

2 This is an old building. He always

3 leaves them open about that much. I don't

4 know what that is, but, about that much.

5 MR. HORN: Indicating about a half

6 a foot, Judge.

7 Q How many windows are there in that

8 apartment?

9 A In what?

10 Q In the apartment?

11 A There are a lot. I mean, there is

12 quite a few. I remember they go all the way

13 around, I'd say at least 12.

14 Q Are the windows facing Fort Washington

15 Avenue, as well?

16 A Yes.

17 Most of the windows are facing Fort

18 Washington.

19 THE COURT: All right. We will

20 take out break here. Be back at 2:15.

21 Don't talk about the case during the

22 break.

23 MR. HORN: Can we approach for one

24 second before we do this?

25 (Sidebar discussion off the

1

COLLOQUY

2463

2

am just saying for the same reason,
3 whatever they want this to be placed
4 in for the jury.

5

I am asking that it not placed in
6 front of the jury, if they are not
7 going to agree.

8

THE COURT: I would suggest you
9 address the issue of the statement
10 against Penal Interests.

11

MR. SOSINSKY: Judge, I don't know
12 what date was.

13

MS. HEATHERLY: December 1st,
14 1996.

15

MR. SOSINSKY: Is going to be
16 established by her testimony?

17

MS. HEATHERLY: Yes.

18

MR. SOSINSKY: The first think I
19 move that the argument encompassed
20 within a Molineaux-type application,
21 since there's no inference in here I
22 don't think, unless if you can refer
23 me to a particular line that he is
24 talking about anything that he may
25 have done to that particular person.

1
2 them. There is a passage where the knees are
3 bent in the same chapter. Is it exact, of
4 course not. But the point is to show what feeds
5 her imagery. In the impaled and dismemberment
6 where someone starts chewing and pulling off
7 parts of a body of someone. Then there is
8 flame, is it not the same thing as a candle, but
9 this is the world she lives in and someone is
10 spread-eagled.

11 The person talks about doing something with
12 a scream and a whimper. Now those words can be
13 used by anyone, but it is curious when she talks
14 about the incident with Karen Kahn that happened
15 one week before, those are the words that she
16 uses.

17 Look at that chapter and see why she fought
18 so hard and remember how she redacted When she
19 is on the witness stand. Isn't there something
20 in here that says something about this, well, I
21 don't see it, I don't know. Now, all of a
22 sudden she doesn't know the chapter, the chapter
23 she specifically talked about on direct
24 examination.

25 Ladies and gentlemen, as we said in the

opening statement, an event which was both disturbing and consensual could easily be transformed by someone like [REDACTED] [REDACTED] with her state of mind and her own ambivalence about her own sexuality into something that is angry and non-consensual, sexual abuse and that is precisely what she is doing here.

Oliver pulled away the drape and revealed her own desires that are not acceptable to her. As she said, reality is too real.

When she wrote to him after the fact, she was forced to confront her only impulses, her own desires and it scared the heck out of her, I suggest to you.

What does she do, she absolves herself of all responsibility by projecting onto the stimulus of these desires. First she absolves herself and then she blames Oliver to try to cleanse herself of what is inside herself.

This is such classic stuff. There are historians who wrote, this is not directly appropo here, but it shows you the same psychological common sense thing. They are the historians who wrote about why J Edgar Hoover

DEFENSE SUMMATION - LITMAN

3256

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2 That's a natural gland. Stopped ducts
3 as women have in their areola. It is in
4 both pictures, fourteen months apart,
5 and they are going to tell you that the
6 pictures aren't good enough that they
7 took?

8 Believe me, believe me, folks,
9 imagine the scab forms and nothing
10 happens, no blood on the bra, no blood
11 on the sweater.

12 Miss Heatherly asked, "Well, did
13 you check every inch of the sweater?"

14 So if you don't check every inch of
15 the sweater it could be. It's this
16 proof in American courtroom is it much
17 be there because we haven't found it
18 yet. A joke, a joke. There was no
19 blood. There was no blood. There is no
20 blood to support any of these theories.

21 We have had to waste so much time or
22 not because it shows that there is no
23 value, real corroboration for what she
24 said.

25 Screams. Between three and 4:00 in